



February 18, 2005

HOUSE BILL No. 1583

DIGEST OF HB 1583 (Updated February 16, 2005 4:39 pm - DI 69)

Citations Affected: IC 35-42; noncode.

Synopsis: Criminal recklessness and aggressive driving. Defines "aggressive driving". Makes criminal recklessness: (1) a Class A misdemeanor instead of a Class B misdemeanor if the offense is committed by a person who engaged in aggressive driving; (2) a Class D felony instead of a Class B misdemeanor if the offense is committed by a person who engaged in aggressive driving and caused serious bodily injury to another person; and (3) a Class C felony instead of a Class B misdemeanor if the offense is committed by a person who engaged in aggressive driving and caused the death of another person. Makes criminal recklessness a Class C felony instead of a Class B misdemeanor if it is committed by shooting a firearm into an inhabited dwelling or other building or place where people are likely to gather.

Effective: July 1, 2005.

Brown T, Mays, Lawson L, Reske

January 18, 2005, read first time and referred to Committee on Courts and Criminal Code.
February 17, 2005, amended, reported — Do Pass.

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HB 1583—LS 6371/DI 106+



February 18, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1583

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-42-2-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) **As used in this**
3 **section, "aggressive driving" means one (1) episode of continuous**
4 **driving of a vehicle by a person:**

5 (1) **that results in:**

6 (A) **bodily injury to another person; or**

7 (B) **property damage to the vehicle of another person; and**

8 (2) **during which at least three (3) of the following acts occur:**

9 (A) **Following a vehicle too closely in violation of**
10 **IC 9-21-8-14.**

11 (B) **Unsafe operation of a vehicle in violation of**
12 **IC 9-21-8-24.**

13 (C) **Overtaking another vehicle on the right by driving off**
14 **the roadway in violation of IC 9-21-8-6.**

15 (D) **Unsafe stopping or slowing a vehicle in violation of**
16 **IC 9-21-8-26.**

17 (E) **Unnecessary sounding of the horn in violation of**

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1 **IC 9-19-5-2.**

2 **(F) Failure to yield in violation of IC 9-21-8-29 through**
 3 **IC 9-21-8-34.**

4 **(G) Failure to obey a traffic control device in violation of**
 5 **IC 9-21-8-41.**

6 **(H) Driving at an unsafe speed in violation of IC 9-21-5.**

7 **(I) Repeatedly flashing the vehicle's headlights.**

8 **(b)** As used in this section, "hazing" means forcing or requiring
 9 another person:

10 (1) with or without the consent of the other person; and

11 (2) as a condition of association with a group or organization;
 12 to perform an act that creates a substantial risk of bodily injury.

13 ~~(b)~~ **(c)** A person who recklessly, knowingly, or intentionally
 14 performs:

15 (1) an act that creates a substantial risk of bodily injury to another
 16 person; or

17 (2) hazing;

18 commits criminal recklessness. Except as provided in ~~subsection (c);~~
 19 **subsections (d) and (e)**, criminal recklessness is a Class B
 20 misdemeanor.

21 ~~(c)~~ **(d)** The offense of criminal recklessness as defined in subsection
 22 ~~(b)~~ **(c)** is:

23 (1) a Class A misdemeanor if:

24 **(A) the conduct includes the use of a vehicle; or**

25 **(B) the person engaged in aggressive driving;**

26 (2) a Class D felony if it is committed while:

27 **(A) armed with a deadly weapon; or**

28 **(B) the person engaged in aggressive driving and caused**
 29 **serious bodily injury to another person; or**

30 (3) a Class C felony if:

31 **(A) it is committed by shooting a firearm from a vehicle into**
 32 **an inhabited dwelling or other building or place where people**
 33 **are likely to gather; or**

34 **(B) it:**

35 **(i) is committed while the person engaged in aggressive**
 36 **driving; and**

37 **(ii) caused the death of another person.**

38 ~~(d)~~ **(e)** A person who recklessly, knowingly, or intentionally:

39 (1) inflicts serious bodily injury on another person; or

40 (2) performs hazing that results in serious bodily injury to a
 41 person;

42 commits criminal recklessness, a Class D felony. However, the offense

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1 is a Class C felony if committed by means of a deadly weapon.

2 ~~(e)~~ **(f)** A person, other than a person who has committed an offense
3 under this section or a delinquent act that would be an offense under
4 this section if the violator was an adult, who:

5 (1) makes a report of hazing in good faith;

6 (2) participates in good faith in a judicial proceeding resulting
7 from a report of hazing;

8 (3) employs a reporting or participating person described in
9 subdivision (1) or (2); or

10 (4) supervises a reporting or participating person described in
11 subdivision (1) or (2);

12 is not liable for civil damages or criminal penalties that might
13 otherwise be imposed because of the report or participation.

14 ~~(f)~~ **(g)** A person described in subsection ~~(e)(1)~~ **(f)(1)** or ~~(e)(2)~~ **(f)(2)**
15 is presumed to act in good faith.

16 ~~(g)~~ **(h)** A person described in subsection ~~(e)(1)~~ **(f)(1)** or ~~(e)(2)~~ **(f)(2)**
17 may not be treated as acting in bad faith solely because the person did
18 not have probable cause to believe that a person committed:

19 (1) an offense under this section; or

20 (2) a delinquent act that would be an offense under this section if
21 the offender was an adult.

22 SECTION 2. [EFFECTIVE JULY 1, 2005] **IC 35-42-2-2, as**
23 **amended by this act, applies only to offenses committed after June**
24 **30, 2005.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1583, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1583 as introduced.)

ULMER, Chair

Committee Vote: yeas 10, nays 0.

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